

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-23588 - APPLICANT: DRAKE REAL ESTATE SERVICES
- OWNER: PECOS PARTNERS LLC**

**** CONDITIONS ****

The Planning Commission (3-3 tie vote on a motion for approval) therefore, NO RECOMMENDATION

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-23581), Variance (VAR-23585), and Special Use Permit (SUP-23593) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Variance to allow 71 parking spaces where 81 spaces is the minimum required on 2.57 acres adjacent to the south side of Owens Avenue, approximately 295 feet west of Pecos Road.

The commercial project includes a one acre area that will remain undeveloped that could be designed to satisfy Title 19.04 and 19.10 General Retail Use parking requirements. The applicant is proposing to develop this area in the future. Staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/22/61	The Board of City Commissioners approved a rezoning (Z-0007-61) of this site to C-1 (Limited Commercial).
04/19/00	The City Council approved a Variance (V-0101-99) for the east portion of this parcel to allow one building to have a 20 foot side yard setback where residential adjacency standards require a minimum 69 foot side yard setback, and to allow another building to have a 20 foot rear yard setback where residential adjacency standards require a minimum 60 foot rear yard setback.
04/19/00	The City Council approved a Special Use Permit (U-0151-99) to allow the off-premise sale of packaged liquor in conjunction with the Sav-On drug store located in the east portion of this parcel.
04/19/00	The City Council approved a Site Development Plan Review [Z-0007-61 (1)] for a proposed 29,647 square foot retail shopping center. The existing Sav-On drug store was the only structure constructed under this approval.
09/13/07	The Planning Commission recommended approval of companion items VAR-23585, SUP-23593 and SDR-23581 concurrently with this application. The Planning Commission (3-3 tie vote on a motion for approval) therefore, NO RECOMMENDATION (PC Agenda Item #34/ja).
<i>Related Building Permits/Business Licenses</i>	
NA	
<i>Pre-Application Meeting</i>	
06/27/07	A Pre-Application meeting was held where Planning Staff advised the applicants of the zoning and application requests required for a Site Development and associated deviations from residential adjacency and parking.
<i>Neighborhood Meeting</i>	
NA	

Field Check	
08/06/07	A site visit was performed and the subject parcel is a partially developed lot with an existing utility island with boxes and paved driveway. Existing landscaping is along the perimeter of the entire parcel includes palm trees.
Details of Application Request	
Site Area	
Net Acres	2.57 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped dirt lot with utility boxes	SC: Service Commercial	C-1: Limited Commercial
North	Clark County – Single family residential	Clark County – Residential	Clark County - Residential
South	Single family residential	L: Low Density Residential	R-1: Single family residential
East	Commercial	SC: Service Commercial	C-1: Limited Commercial
West	Single family residential	L: Low Density Residential	R-1: Single family residential

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail more than 3,500 square feet	14,028 square feet	1/175	80	4	71	3	N*
SubTotal			80		71		
TOTAL			80		71		

Loading Spaces			2		2 (truck bay)		Y
Percent Deviation			13%		13%		

ANALYSIS

The project site contains no topographical constraints that preclude the design from meeting Title 19 parking requirements. The associated Site Development Plan Review (SDR-23581) proposes to develop 1.5 acres of the 2.5 acre site. One acre of the site will remain undeveloped. Parking could be satisfied if development upon the entire parcel is proposed. The inability of the proposal to adequately address parking is considered a self imposed hardship. Staff recommendation is for denial.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing a project that will not meet Title 19.10 and Title 19.04 parking requirements. A project alternative less in square footage and/or proposed parking on the entire site would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 926 by City Clerk

APPROVALS 0

PROTESTS 2